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Stephen Dintino, 913 Greenwood Circle, Coatesville, PA 19320 610-656-0176

USPTO Application Number: 10/725,907

17 June 2005

United States Department of Commerce
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
Organization: TC3700, Building: Randolph
Patent Examiner Camtu Nguyen, 571-272-4799

Dear Camtu Nguyen:

I received your Office Action Summary correspondence on Thursday, 16 June 2005.

Thank you for answering my questions during our earlier telephone conversation.

I amended the CLAIMS with specific information, which I hope will satisfy the examination.

I also amended the DRAWING, and I numbered the references accordingly, which I hope will clarify the information and satisfy the examination.

I've attached a copy of your correspondence for your reference, and I've attached the amended CLAIMS and DRAWING for your review.

Please contact me if you have any questions, concerns, comments or suggestions.

Thank you for your time, attention and assistance. I appreciate your exemplary work.

Respectfully,

A handwritten signature in black ink that reads "Stephen Dintino".

Stephen Dintino, 610-656-0176, SDintino@aol.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,907	12/02/2003	Stephen Dintino		3943

39417 7590 06/14/2005
STEPHEN DINTINO
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EXAMINER	
NGUYEN, CAMTU TRAN	
ART UNIT	PAPER NUMBER
3743	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)
	10/725,907	DINTINO, STEPHEN
	Examiner	Art Unit
	Camtu T. Nguyen	3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 1 does not specifically point out where reference numerals 1-13 are referring to in the drawing. Currently all of the reference numerals 1-13 either point by arrow “below” or arrow “above”, which is confusing. Furthermore, the background is dark making it difficult to decipher what the device looks like.

Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The claim rejected under 35 U.S.C. 102(b) as being anticipated by Wilmoth, III (U.S. Patent No. 5,118,108). Wilmoth, III discloses a baton comprising a club portion (11), a handle portion (12), a hand guard (13), a trapping tip (14), a side guard (15). The Wilmoth, III device is capable of providing to the Police, Law Enforcement, Corrections, Medical and Public Safety

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personnel a tool to safely control and restrain a physically aggressive person, and to minimize the use of force. With regards to the "Giraffe", as recited, this limitation has been considered but however had been given little weight into the broadly interpretation of the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 703-305-0537.
The examiner can normally be reached on (M-F) 8:30-5:00.

571-272-4799

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen
June 9, 2005

Henry Bennett
Supervisory Patent Examiner
Group 3700

Notice of References Cited

O I P E
JUN 21 2005
P A T E N T & T R A D E M A R K S
U.S. PATENT DOCUMENTS

Application/Control No.
10/725,907

Applicant(s)/Patent Under
Reexamination
DINTINO, STEPHEN

Examiner
Camtu T. Nguyen

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Page 1 of 1

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-4,338,885	07-1982	Van Vliet et al.	119/801
B	US-5,118,108	06-1992	Wilmoth, III, Clark L.	463/47.6
C	US-5,330,181	07-1994	Wong, John K.	463/47.4
D	US-5,494,283	02-1996	Harris, Christopher L.	463/47.6
E	US-5,893,799	04-1999	Studley et al.	463/47.2
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)		
U			
V			
W			
X			

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.